

REMARKS

In the Office Action mailed November 11, 2007 the Office noted that claims 14-26 were pending and rejected claims 14-26. Claims 16, 20, 21 and 24 have been amended, no claims have been canceled, claim 27 is new, and, thus, in view of the foregoing claims 14-27 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claim 24 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the phrase "e.g." is considered indefinite.

The Applicants have amended claims 16 and 24 to remove the phrase.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 20 and 21 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims are drawn to computer software not embodied in a computer readable storage medium.

The Applicants have amended the claims to define a computer program stored on a computer readable storage medium.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 14-17, 19-24 and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Clark, U.S. Patent No. 6,131,117 in view of Diebboll, U.S. Patent 5,886,643. The Applicants respectfully disagree and traverse the rejection with an argument.

Clark discusses a method of determining network topology through message flows. Diebboll discusses measuring the traffic between pairs of end-nodes to generate a report of the traffic between those source-destination node-pairs. This gives a virtual map with statistical information about the traffic between each node pair without detailed information about the devices between the node pairs (i.e. IP routers).

On page 3 of the Office Action, it is asserted that the Abstract of Clark discusses a "[m]ethod for creating a **map of available physical resources** on the interface level within an IP network," as in claim 14. (Emphasis added)

However, Clark does not map available physical resources, it instead maps nodes. See the abstract, wherein it states "a series of NetBIOS message flows among those IP routers coupled to the NetBIOS entities result in the acquisition of IP and NetBIOS address information of these resources at the routers." See also, Clark, col. 4, the ¶ beginning at line 13. In the present Application, physical resources is defined, for

example, in ¶¶ 0015 and 0016 of the Specification as published. The Office's interpretation of "resource" would further require that Clark discuss not mapping unavailable physical resource, which it clearly does not. Thus, Clark does not disclose "creating a map of available physical resources." The Office does not assert and the Applicants have not found that Diebboll discloses such a feature.

On page 3 of the Office Action, it is asserted that Clark discloses "combining (303) a topology map of said IP network with resource information that comprises information about identities of logical addresses and quantity of logical addresses," as in claim 14.

However, as discussed above, resource information in the present claims are not just the physical nodes but other attributes within the network. The Office does not assert and the Applicants have not found that Diebboll discloses such a feature.

Therefore, for at least the reasons discussed above, the combination of Clark and Diebboll, taken separately or in combination, fail to render obvious the features of claims 14 and 22 and the claims dependent therefrom.

As regards claims 16 and 24, Clark determines the network topology based on message flows, not on SNMP. Therefore, Clark does not disclose "the mapping is performed by collecting information from network elements by using SNMP," as in claim 16.

Claims 18 and 25 stand rejected under 35 U.S.C. §

103(a) as being obvious over Clark, in view of Diebboll, In Further view of Takashima, U.S. Patent 6,985,960. The Applicants respectfully disagree and traverse the rejection with an argument.

Takashima adds nothing to the combination of Clark and Diebboll as applied against the independent claims. Therefore, for at least the reasons discussed above, Clark, Diebboll and Takashima, taken separately or in combination, fail to render obvious claims 18 and 25.

Withdrawal of the rejections is respectfully requested.

NEW CLAIM

Claim 27 is new. Support for claim 27 can be found, for example, in ¶¶ 0015 and 0016 of the Specification. The Applicants respectfully submit that no new matter has been added by the inclusion of claim 27. The prior art fails to disclose the resource information further comprises bandwidth information of the physical interface.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101, 102 and 103. It is also submitted that claims 14-27 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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